

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION INTO THE OPERATING	)	
STATUS OF PUBLIC SERVICE UTILITIES,	)	CASE NO. 10412
INC. FOX RUN SUBDIVISION	)	

O R D E R

On July 27, 1988, the Commission Staff conducted a field inspection on Public Service Utilities, Inc. (Public Service Utilities) which serves the Fox Run Subdivision in Boone County, Kentucky. Staff found that the waste water treatment plant was out of service and the collection system servicing the customers had been connected directly to the facilities of Boone County Water and Sewer District (Boone County). The owner/operator of Public Service Utilities, Mr. Jeffrey Cox, failed to respond to the staff report and a subsequent follow-up letter from the Executive Director. On October 5, 1988, Boone County filed a letter confirming its operation of sewage services to the subdivision. According to the staff report, this transfer occurred in July, 1988.

After consideration of the record, the Commission FINDS that:

(1) This case should be established to recognize Boone County as the lawful owner and operator of the Public Service Utilities, Inc. facilities serving the Fox Run Subdivision. Neither party submitted an application for Commission approval of this transfer pursuant to KRS 278.020 (4).

(2) No consumer complaints or service problems have been received as a result of Boone County's assumption of service. Boone County clearly meets the conditions to provide safe and reliable water service and has the financial, technical, and managerial abilities to provide reasonable service.

(3) Based on the facts, however, that the transfer has already occurred and operations have been performed in a satisfactory manner, no action should be taken for the failure to obtain Commission approval.

(4) The owner of Public Service Utilities, Mr. Jeffrey Cox, also serves several other subdivisions in the surrounding areas. His willful failure to comply with the statutes in this instance is cause for concern. Mr. Cox is hereby put on notice that failure to comply with the Commission's statutes and regulations in the future will cause the Commission to act in a manner consistent with the penalty provision set out in KRS 278.990.

(5) Public Service Utilities, Inc. serving the Fox Run Subdivision should be removed from the Commission's records as an operating utility.

BE IT SO ORDERED.

Done at Frankfort, Kentucky, this 9th day of November, 1988.

PUBLIC SERVICE COMMISSION

Richard D. Henning  
Chairman

Robert M. Dunn  
Vice Chairman

James H. Wallace  
Commissioner

ATTEST:

EXECUTIVE DIRECTOR